

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PAUL WATKINS,

Petitioner,

-v.-

ROBERT ERCOLE,

Respondent.
-----X

ORDER

06 Civ. 15222 (PAC) (GWG)

GABRIEL W. GORENSTEIN, United States Magistrate Judge.

The Court is in receipt of a letter dated September 28, 2007 from petitioner and a response dated November 16, 2007 from respondent.

Rather than ruling on the issue of whether a stay should issue at this juncture, the Court believes that it would benefit from having a full record that provides the position of the respondent with respect to each issue raised by petitioner. Accordingly, the respondent is directed to submit a supplemental response addressing each claim raised by petitioner not already addressed in respondent's previous response. (The claims raised by petitioner are deemed to include the claims in petition, the claims in the amended petition, and the claim that is sought to be added in the letter dated September 28, 2007, assuming it is understandable as a separate claim that is not already contained in the amended petition). For each claim, the respondent should explain whether it is unexhausted and, if possible, why it fails on the merits.¹

The respondent's supplemental response shall be filed on or before December 21, 2007. The respondent should not re-file any documents previously filed. Petitioner may respond 30 days thereafter.

¹With respect to the claim that is sought to be added in the letter dated September 28, 2007, respondent should also indicate his views on whether the petition may appropriately be amended to include this claim (assuming, once again, that it is truly a new claim.).

The Court will thereafter decide whether a stay should issue or whether any unexhausted claims should be deemed abandoned.

The Court notes that petitioner may continue to pursue any remedies he has in State court with respect to any of these claims.

SO ORDERED.

Dated: New York, New York
November 16, 2007



GABRIEL W. GORENSTEIN
United States Magistrate Judge

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